



**Southern Regional Office (SRO)
400 W. Congress, Suite 433, Tucson, AZ 85701**

**Final Minutes of the
Broadway-Pantano Water Quality Assurance Revolving Fund (WQARF) Site
Community Advisory Board (CAB) Meeting - 30th meeting**

July 14, 2004, 6:00 - 8:00 p.m.
Eastside City Hall, 7575 E. Speedway
Tucson, Arizona

E-5460.14.6.1.2

CAB Members Present: Judy Burns, Dolores Fife, James Garrett, Digger Jones, Ries Lindley, Janet Marcus, Aubrey McMullen, Wanda Ryckman, Jean Sabo, Walter Schaffer, Ward Wallingford

CAB Members Absent: Cheri Bludau, Patricia Gehlen, Jackie Olson

ADEQ Staff Present: Gretchen Wagenseller, Project Manager; Eileen Palese, Community Involvement Coordinator

Members of the Public Present: Ray Murray, Jeffrey Drumm, Majorie Remska, Michael Smith, Lynne Hubbard, Tom Kimmel

The meeting began at 6:10 p.m.

1. Call to Order/Introductions

Co-chair Judy Burns conducted introductions of CAB members and public participants.

2. Approval of Minutes for 5/5/04

Jean Sabo asked a question of Ray Murray regarding what was written in the minutes. She asked him if he meant to say that the landfills are separate. Ray Murray said that what he was referring to was that the Broadway South Landfill is separate from the Prudence Landfill. Jean Sabo asked if he meant that the contamination from the Broadway North and Broadway South landfills was separate. He said the history of the landfills is that they are separate. Judy Burns said she believes ADEQ won't deal with the landfills separately. Eileen Palese said that what happened in the past might not be the case in the future due to budget and other reasons. Ray Murray remarked that it is all one aquifer. Jean Sabo said that is what makes the landfills not separate; the movement of the plume ties them together. Eileen Palese said she will transcribe the discussion in the minutes rather than alter the previous minutes. The CAB agreed that would be sufficient. Ries Lindley motioned to approve the minutes from the May 5, 2004, CAB meeting; Jean Sabo seconded the motion. All were in favor; none opposed. Eileen Palese said she would make a typo correction to the last minutes where Dolores Fife was listed as present.

3. Call to the Public

Majorie Remska made a statement about the water supply in Tucson from the Colorado River Project. Ries Lindley responded about allocations and future use. He offered to provide additional information to Majorie Remska.

4. Broadway-South Landfill Update

Judy Burns reported that she did speak to the Tucson City Council meeting June 21, 2004, supporting the "Memorial" to ask ADEQ to list the Broadway South Landfill on the WQARF Registry. She said that there was some confusion about the time of the meeting and the item came up quickly when it was pulled from the consent agenda. Judy Burns read the CAB letter which received television coverage. She said the Tucson City Council voted and passed the memorial. The CAB letter requesting the Broadway South Landfill be combined as part of the Broadway-Pantano WQARF Site was sent to the WQARF Advisory Board and the co-chairs received an acknowledgement of the letter from chair Rick Lavis, which was mailed to CAB members by ADEQ.

5. Open Meeting Law Review

Judy Burns said that Open Meeting Law questions came up when she communicated with some CAB members for feedback on the letter to the WQARF Advisory Board. She said she believed there was a consensus from the CAB to write and send the letter and is aware of the Open Meeting Law requirements.

Eileen Palese handed out guidance on Open Meeting Law, which stipulates that members are not supposed to communicate by "technological devices," which includes e-mail communications. She said the reason is two-fold: First, not everyone on the CAB has e-mail addresses so it is not possible to send something to all members for review. Moreover, any business of the CAB is considered open to the public, so this type of communications excludes public participation. She recommended that the best way to proceed is to discuss the general consensus of the CAB at the meeting and then the CAB can give the co-chairs the authority to write and distribute what they believe the CAB directed them to communicate. She said it is OK for the co-chairs to communicate, but the danger is to involve a majority of CAB members in discussions because this could be considered a quorum. She said she wanted to restate this provision of the Open Meeting Law to the entire CAB to be sure it was understood. She said staff and members are responsible for abiding by the law. She also said that another point to remember is that the CAB is an advisory board of ADEQ, so the group can bring up issues with the director so that he hears the concerns of the CAB in order to address the issues. Judy Burns said that the CAB should first go to ADEQ before taking issues to the WQARF Advisory Board.

6. Site Investigation Update/Q&A

Ray Murray updated the CAB on the operation of the Western Groundwater Containment System (WGCS) injection wells. He said they are now able to flush out the wells, but in order to discharge the water into the adjacent wash, a permit is required, which took approximately a month to receive. This permit is only good for 6 months, so they are going to apply for a special permit due to the length of time needed. He said the wells have held steady for four months without being flushed. He said that ADEQ is monitoring the system to find out how many gallons per minute it takes to get good containment. During this quarter, 80 million gallons of water were extracted; to date, over 430 million gallons of water have been processed. Concentrations are still at 3-4 parts per billion right at the well. He said they do have some challenges with electricity to the system during the monsoon season. He said the consultants are even going out weekends, if necessary, to perform maintenance. He said overall, the system is running very well.

Gretchen Wagenseller explained further about the permit situation. She said that if the chemistry of the wash is changed, it could affect the ecology. She said that the main concern is the particulate matter, not contamination from the water.

She then distributed a Responsiveness Summary on the Pima County Sanitary District #1, published in 2001, to answer the questions CAB members had at the previous meeting about Pima County's settlement of its liability at the site. She said in that settlement, the state determined that these entities were legally separate, however, the Sanitary District is no longer exists. She pointed out the areas of operation for these entities on the map.

Gretchen Wagenseller reported on the groundwater data from May 2004. She said the plume configuration has again changed, but there are still a limited number of data points, which creates different interpretations. She said that the Western Groundwater Containment System has affected the shape of the plume. She said that she hopes to soon install another monitor well in the northwest area of the plume. She reviewed sampling results.

Dolores Fife asked if the property owners of the landfill can build there before the site is cleaned up. Gretchen Wagenseller said that there is no state law that prevents building on landfills but the property owners do need to get permits. She indicated that the May sampling data from the four new soil gas monitoring wells and the other deep wells, used to assess the performance of the soil vapor extraction system, had come in just recently and would be reported on at the next meeting. She also indicated that the issuance of the RI will need to be delayed because of the need for additional evaluation of the soil gas test results and risk assessment for the southwest perimeter of the landfill.

Gretchen Wagenseller described the investigation taking place at the landfill and said that she just received soil gas monitoring results and will report on that study at the next meeting. She said that ADEQ wanted to include these monitoring results in the draft Remedial Investigation (RI) Report, therefore, the decision was made to postpone its release until the data can be analyzed. She said there is a possibility that additional testing will be required and a risk assessment compiled.

7. CAB Letter of Support for National Ground Water Association Award

Judy Burns said that the City of Tucson and ADEQ asked the co-chairs if there was any objection to writing a letter of support for the application to the National Ground Water Association to submit the Broadway-Pantano Western Ground Water Containment System for the 2004 NGWA Outstanding Ground Water Projects Award. She read the letter. Janet Marcus motioned to approve the letter as written. Wanda Ryckman seconded the motion. All were in favor; none opposed. Judy Burns said that it was OK for Eileen Palese to sign the final letter for the co-chairs. Ray Murray said that this is a prestigious award and it will recognize all parties, including the CAB, on a national level. He said the award will be presented in Las Vegas.

8. CAB Outreach Reports

Judy Burns asked if there had been any outreach performed by ADEQ or the CAB. She said that the City Council statement was televised. Eileen Palese said that there will be more opportunities to reach the public during the comment period for the RI and Remedial Objectives. Jean Sabo commented that it always amazed her that the public is unaware of the site when she informs them. She believes it needs to be mentioned in the media more often. The CAB discussed the problem of reaching the public with this information. Dolores Fife asked public participants why they attended the meeting. It was suggested that the media be invited to the next meeting. Eileen Palese said that if the WGCS wins the NGWA award, that this would be a positive news story. The CAB discussed how to interest the public through the media, and through neighborhood association newsletters.

9. Next Meeting Date/Agenda Discussion

The next meeting of the Broadway-Pantano CAB will be held from 6:30 p.m. to 8:00 p.m. on October 13, 2004, at Eastside City Hall, 7575 E. Speedway, Tucson, AZ. Call Eileen Palese, ADEQ Community Involvement Coordinator, SRO, at (520) 628-6712, for meeting information and proposed agenda.

The CAB decided to hold future meetings from 6:30 p.m. to 8:00 p.m.

10. Other Administrative Business

Judy Burns presented a Certificate of Appreciation to Ray Murray in recognition of his service as project manager for the WGCS and for work on the Broadway-Pantano WQARF Site. He thanked the CAB and said his last day will be July 23rd. He said the WGCS project has been the highlight of his career. He said that he has especially enjoyed working with the CAB. He said the involvement of the CAB and the community did make a difference. He said the design of the system reflects the comments the community made, as well as the type of treatment system, and wall height, is due to citizen input. He does not know of any other city or county project that had this type of citizen involvement, and he enjoyed working with the CAB. He introduced Jeffrey Drumm, environmental project coordinator, as his replacement.

Judy Burns invited Ray to join the CAB after he retires. She commended all of the members for their participation on the CAB over the past four years. CAB members and Gretchen Wagenseller said that they will miss working with Ray Murray.

11. Adjournment

The meeting adjourned at 7:25 p.m.

This meeting was recorded on cassette tapes as a record of the proceedings. To listen to the tapes or for additional documents mentioned in these minutes, contact ADEQ's Southern Regional Office, Community Involvement Office, 520/628-6712.